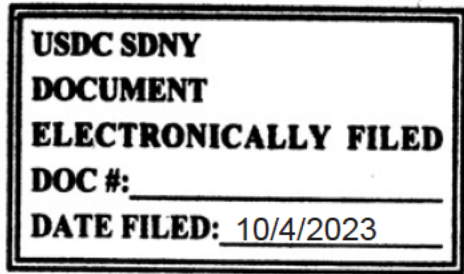


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PDV's request for a further stay of 100 days until January 10, 2024 is GRANTED nunc pro tunc. There will be no further extension of the stay absent compelling circumstances.

SO ORDERED:

10/4/2023

A handwritten signature in black ink, appearing to be "R. Lehrburger", written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

September 28, 2023

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: PDV USA, Inc. v. Interamerican Consulting, Inc., No: 1:20-cv-03699-JGK-RWL

Dear Judge Lehrburger:

We represent PDV USA, Inc. ("PDV USA") and submit this letter to request a 100-day extension of the stay that is currently in place for this matter and set to expire on October 2, 2023. ECF No. 139, *as modified upon reconsideration by* ECF No. 153.

The purpose of the stay—to permit PDV USA to receive the Missing Documents before the parties engage in further depositions or proceed to summary judgment, *see* ECF Nos. 129, 135, 139—remains applicable.

The criminal proceeding remains delayed while Mr. Rivera seeks to engage permanent counsel and litigates issues relating to the government's seizure of his assets. That dispute has continued to defer Mr. Rivera's arraignment, which is now set for November 27, 2023. As the Court observed last time it extended the stay, "Mr. Rivera's arraignment is a pivotal point in the sequence of events required for Mr. Rivera to potentially obtain the Missing Documents." ECF No. 139. Indeed, defendant Interamerican Consulting, Inc. ("Interamerican") *still* has not explained what if any steps Mr. Rivera has taken to obtain the Missing Documents in the criminal proceeding.

The stay should also remain in place while PDV USA is forced to wait for a "sealed proceeding" in Florida to be resolved so that PDV USA can receive an additional, critical document that

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Interamerican failed to produce and deliberately excluded from its privilege log in this case. *See* ECF No. 137 at 3.

Interamerican informed PDV USA that Interamerican opposes this stay extension request on the “same grounds as before.” However, the Court has already considered and rejected (numerous times) Interamerican’s various arguments for why the stay should be lifted. *See* ECF Nos. 133, 138, 149. Specifically, the Court recently denied, following separate briefing on the issue, Interamerican’s request for a carve out of the stay to depose third party John Doe. ECF No. 153. The Court also previously denied Interamerican’s other request for a carve out of the stay to seek discovery relating to alleged communications with the Department of Justice. ECF No. 139.

Accordingly, PDV USA respectfully requests a 100-day extension of the stay.¹ The stay is currently set to expire on October 2, 2023. A 100-day extension of the stay would extend the stay to January 10, 2024. PDV USA also requests that any order extending the stay include a provision allowing PDV USA to move for an additional extension of the stay if warranted.

¹ PDV USA requests 100 days instead of 90 days to avoid potentially briefing a further extension of the stay (and burdening the Court with the same) in and around the year-end holidays.

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Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

By: /s/Jeffrey B. Korn

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cc: All counsel of record (by ECF)